

22  
H-5/1/05  
req for refund

Atty. Docket No. 03424.P008D

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jeffrey Jay Jacobsen, et al.

Application No.: 09/932,505

Filing Date: August 17, 2001

For: APPARATUSES AND METHODS  
FOR FLEXIBLE DISPLAYS

Examiner: Chowdhury, Tarifur R.

Art Unit: 2871

Mail Stop 16  
Director of the US Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR REFUND  
(Pursuant to 37 C.F.R. 1.26(a))

Sir:

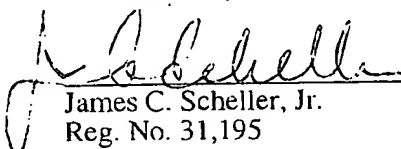
A petition for acceptance of an unintentionally delayed claim for priority was filed in the present application on March 12, 2004. Applicant subsequently received a Decision on Petition from the US Patent and Trademark Office mailed September 2, 2004, in which the petition was dismissed as moot and the petition fee was deemed unnecessary. According to certain text stated in the decision, "Petitioner may request a refund of the \$1,330.00 petition fee" and Applicant hereby requests that said refund of the petition fee be credited to Deposit Account No. 02-2666 in the name of Blakely, Sokoloff, Taylor & Zafman.

A copy of the original check mailed as payment of the petition fee and a copy of the Decision on Petition is enclosed for your reference.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: 1/18, 2005

  
James C. Scheller, Jr.  
Reg. No. 31,195

12400 Wilshire Boulevard  
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Los Angeles, California 90025-1026  
(408) 720-8300

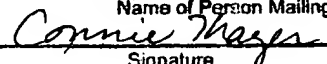
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450

on January 18, 2005

Date of Deposit

Connie Thayer

Name of Person Mailing Correspondence

  
Signature

1-18-05  
Date

**BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP**

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3/11/04

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DETACH AND RETAIN THIS STATEMENT  
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW.  
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

<u>DATE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
3/11/2004	p13 - U.S. Patent & Trademark Office fee for unintentionally delayed claim for priority Serial No. 09/932,505 003424 P008D JCS/clt Alien Technology Corporation	\$ 1,330 00

63473



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Paper No. 21

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In re Application of  
Jacobsen et al.

Application No. 09/932,505

Filed: August 17, 2001

Attorney Docket No. 3424P008D

BLAKELY, SOKOLOFF TAYLOR & ZAFMAN LLP  
LOS ANGELES

ON PETITION

This is a decision on the petition under 37 CFR § 1.78(a)(3), filed March 15, 2004, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of the prior-filed nonprovisional Application No. 09/270,146, filed March 16, 1999.

The petition is **DISMISSED AS MOOT**.

A petition under 37 CFR § 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000.

Along with the instant petition under 37 CFR § 1.78(a)(3), petitioner has submitted an amendment to the first sentence of the specification following the title to include a reference to the prior-filed nonprovisional Application No. 09/720,146, filed March 16, 1999.

The instant pending nonprovisional application was filed on August 17, 2001, and was pending at the time of filing of the instant petition. While a reference to the prior-filed application was not included in an ADS or in the first sentence of the specification following the title, reference nevertheless was made in the transmittal letter filed with the above-identified application.

The current procedure where a claim for priority under 37 CFR § 1.78(a)(3) is not included in the first sentence of the specification or in an ADS but does appear either in the oath or declaration or a transmittal letter filed with the application and the Office notes the claim for priority, no petition will be required to accept a late claim for priority. This is because the application would have been scheduled for publication on the basis of the information concerning the claim submitted elsewhere in the application within the time period set forth in 37 CFR § 1.78(a)(2)(ii). However, on the other hand, if the USPTO does not note the claim for priority to the prior-filed application(s) set forth in the oath or declaration or transmittal letter submitted with the application, a petition will be required to accept a late claim for priority under 37 CFR

NO DOCKETING  
REQUIRED

cc: ATJ 10-5-04

§ 1.78(a)(3).<sup>1</sup> In the instant case, the Office noted the claim for priority of the nonprovisional Application No. 09/270,146 in the transmittal letter filed with the application, as shown by its inclusion on the filing receipt.


In view of the above, the \$1,330.00 petition fee submitted is unnecessary and, as such, is refundable. Petitioner may request a refund of the \$1,330.00 petition fee submitted by writing to the following address:

Mail Stop 16  
Director of the US Patent and Trademark Office  
PO Box 1450  
Alexandria, VA 22313-1450

A copy of this decision should accompany petitioner's request.

Any questions concerning this decision on petition may be directed to Petitions Attorney Christina Tartera Donnell at (703) 306-5589. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to the Examiner of Technology Center AU 2871 for appropriate processing of the amendment, filed March 15, 2004.

  
Frances Hicks  
Lead Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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<sup>1</sup> Note MPEP 201.11 (V), page 200-75 (Rev. 1. Feb. 2004 and 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.